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PATENT

Attorney Docket No. 1423-5 PCT US

US PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Michael John Radley Young et al.

Serial No: 10/509,258

Group No: Art Unit 3737

Filed: September 27, 2004

Examiner: unknown

For: IMPROVED SURGICAL TOOL
MECHANISM

Dated: July 27, 2005

Assistant Commissioner for Patents
Washington, D.C. 20231

Attention: Refund Section, Accounting Division, Office Of Finance

REQUEST FOR REFUND
(Improper Charge of Deposit Account)

I. REFUND REQUEST

This is a request for a refund with respect to the charge to Deposit Account No. 50-2140 shown on the statement dated May 2005 for the above-identified application.

A copy of the May 2005 statement in which the error referred to occurs accompanies this request.

CERTIFICATION UNDER 37 C.F.R. §1.8(a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: July 27, 2005

David M. Carter

(Type or print name of person mailing paper)

David M. Carter

(Signature of person mailing paper)

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II. FEES CHARGED FOR WHICH REFUND REQUESTED

AMOUNT OF REFUND
REQUESTED

- ☐ filing fee
- ☐ surcharge for filing the basic filing fee
on a date later than the filing date of the
application (37 C.F.R. §1.16(e))
- and/or
- ☒ surcharge for filing the oath or declaration
on a date later than the filing date of the
application (37 C.F.R. §1.16(e)) \$ 65.00
- ☐ extension of term
 - ☐ first month
 - ☐ second month
 - ☐ third month
 - ☐ fourth month
- ☐ excess claims
- ☐ issue fee
- ☐ petition fee
- ☐ patent maintenance fee
 - ☐ first maintenance fee
 - ☐ second maintenance fee
 - ☐ third maintenance fee
- ☐ patent maintenance fee surcharge
- ☐ other _____

TOTAL REFUND REQUESTED **\$ 65.00**

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III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

A Submission of Declaration/Power of Attorney was mailed on April 4, 2005 to the U.S. Patent and Trademark Office and included a check in the amount of \$65.00 to cover the surcharge for the late filing of the Declaration. A copy of the canceled check is attached hereto.

The transmittal indicated that, due to the fact that the application was filed on September 27, 2004 and the Notice to File Missing Parts had not yet been received by the undersigned attorney, the Declaration/Power of Attorney was being submitted but was not in response to a Notice to File Missing Parts.

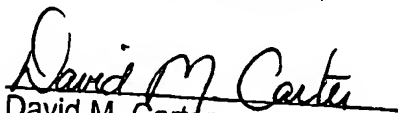
A Notice to File Missing Parts dated May 11, 2005 was received by the undersigned attorney. A response was mailed on May 20, 2005, submitting copies of all of the documents that were mailed to the U.S. Patent and Trademark Office on April 4, 2005, including a copy of the postcard, duly stamped by the U.S. PTO as having received the original documents on April 6, 2005. It is believed that the surcharge was charged to Deposit Account 05-2140 in error.

IV. MANNER OF REFUND

Please make refund by

- ☒ crediting Deposit Account No. 50-2140
- ☐ refunding payment.

Respectfully requested,


David M. Carter
Reg. No. 30,949

CARTER, DELUCA, FARRELL & SCHMIDT, LLP
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Melville, New York 11747
Telephone: (631) 501-5700
Facsimile: (631) 501-3526

**United States
Patent and
Trademark Office****BEST AVAILABLE COPY****Deposit Account Statement**

Requested Statement Month: May 2005
Deposit Account Number: 502140
Name: CARTER DELUCA FARRELL & SCHMIDT, LLP
Attention: PETER DELUCA
Address: 445 BROAD HOLLOW ROAD
City: MELVILLE
State: NY
Zip: 11747
Country: UNITED STATES OF AMERICA

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
05/03	35	10332897	1408-2	8001	\$3.00	\$6,048.00
05/06	103	11121879		9204	-\$200.00	\$6,248.00
05/10	1207	78626287	1525-3	7001	\$650.00	\$5,598.00
05/10	1308	78626345	1525-2	7001	\$650.00	\$4,948.00
05/11	47	10968722	2924 (203-4379)	1464	\$130.00	\$4,818.00
05/20	541	78633488	1489-18	7001	\$325.00	\$4,493.00
05/25	13	60682995	674-32	2005	\$100.00	\$4,393.00
05/26	264	10509258	1423-5 PCT US	2617	\$65.00	\$4,328.00
05/27	19	10524394		9204	-\$550.00	\$4,878.00
05/27	22	10524394		9204	-\$125.00	\$5,003.00
05/31	24	10524395		9204	-\$950.00	\$5,953.00

START	SUM OF	SUM OF	END
BALANCE	CHARGES	REPLENISH	BALANCE
\$6,051.00	\$1,923.00	\$1,825.00	\$5,953.00

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